

# ORIGINAL

GILBERT CONTRERAS E-59058  
P.O. BOX 689 DW-243 UPPER  
SOLEDAD, CALIFORNIA. 93960

IN PRO SE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

|                          |   |                             |
|--------------------------|---|-----------------------------|
| GILBERT CONTRERAS,       | ) | CASE NO.: C-07-3774 SBA(PR) |
| PETITIONER,              | ) |                             |
| V.                       | ) | MOTION: CLARIFICATION, FOR  |
|                          | ) | RICHARD W. WIEKING,         |
| B. CURRY, ACTING WARDEN, | ) | CLERK OF THE COURT;         |
| RESPONDENT.              | ) |                             |
|                          | ) |                             |
|                          | ) |                             |
|                          | ) |                             |

TO: THE CLERK OF THE COURT, UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, 450 GOLDEN GATE AVENUE, SAN  
FRANCISCO, CALIFORNIA. 94102. ON AUGUST 2, 2007. VIA INSTITU-  
TIONAL MAIL SYSTEM I RECIEVED LEGAL MAIL FROM OFFICE OF THE  
CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA,  
1301 CLAY ST., SUITE 400S, OAKLAND, CA. 94612-5212, PLEASE SEE  
ATTACHED EXHIBIT (A) WHICH ARE COPIES OF THESE DOCUMENTS. YOU  
CAN CLEARLY SEE THAT THE CLERK OF THE COURT RICHARD W. WIEKINK  
HAS ASSIGNED ANOTHER CIVIL CASE NO.: C-07-3818, WHO HAPPENS TO  
BE THE SAME PERSON WHO ASSIGNED THE ABOVE CASE NO.: C-07-3774.  
BEING A LAYMAN OF THE LAW I CAN ONLY GUESS THAT DEPUTY CLERKS  
MUST BE ASSIGNING CASES USING THE OFFICIAL STAMP OF THE CLERK  
OF THE COURT. I BRING TO THE ATTENTION OF THIS HONORABLE COURT  
OF A POSSIBLE ERROR, WHICH I HOPE CAN BE CORRECTED IMMEDIATELY

1 TO PROTECT US ALL FROM HINDSIGHT.

2 DATED: AUGUST 7, 2007.

RESPECTFULLY SUBMITTED

3   
4 GILBERT CONTRERAS/IN PRO SE

5 CC: C-FILE  
6 RECORDS  
7 CLERK OF THE COURT/OAKLAND  
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# EXHIBIT

# A

**Gilbert Contreras** , E-59058  
Soledad State Prison, CTF Central  
P.O. Box 689  
Soledad, CA 93960-0689  
PRO SE

1.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FILED  
07 JUL 26 PM 12:03 (PR)  
RECEIVED BY WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SBA

Dear Sir or Madam:

E-Filing C 07 3818

Your petition has been filed as civil case number \_\_\_\_\_

Your petition is deficient because:

1. ☒ You did not pay the appropriate filing fee of \$5.00. If you are unable to pay the entire filing fee at this time, you must sign and complete this court's Prisoner's In Forma Pauperis Application in its entirety.

2. ☐ The In Forma Pauperis Application you submitted is insufficient because:

☐ You did not use the correct form. You must submit this court's current Prisoner's In Forma Pauperis Application.

☐ Your In Forma Pauperis Application was not completed in its entirety.

☐ You did not sign your In Forma Pauperis Application.

☐ You did not submit a Certificate of Funds in Prisoner's Account completed and signed by an authorized officer at the prison.

☐ You did not attach a copy of your prisoner trust account statement showing transactions for the last six months.

☐ Other \_\_\_\_\_

Enclosed you will find this court's current Prisoner's In Forma Pauperis Application, which includes a Certificate of Funds in Prisoner's Account form, and a return envelope for your convenience.

**Warning:** If you do not respond within **THIRTY DAYS** from the filing date stamped above, your action will be dismissed and the file closed.

Sincerely,  
RICHARD W. WIEKING, Clerk,

By   
Deputy Clerk

530 SBA

**PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

Name CONTRERAS GILBERT  
 (Last) (First) (Initial)

Prisoner Number E-59058

Institutional Address P.O. BOX 689 DW-243 UPPER

SOLEDAD, CA. 93960-0689

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

GILBERT CONTRERAS

(Enter the full name of plaintiff in this action.)

vs.

B. CURRY, WARDEN (ACTING)

(Enter the full name of respondent(s) or jailor in this action)

**C 07 3818**

Case No.

(To be provided by the clerk of court)

**PETITION FOR A WRIT  
 OF HABEAS CORPUS**

Read Comments Carefully Before Filling In

When and Where to File

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

**ORIGINAL**

GILBERT CONTRERAS E-59058  
P.O. BOX 689 DW-243 UPPER  
SOLEDAD, CALIFORNIA. 93960

IN PRO SE

**-Filing, C 07 3818**  
UNITED STATES DISTRICT COURT

**SBA**

**(PR)**

NORTHERN DISTRICT OF CALIFORNIA

|   |  |
|---|--|
| <p>GILBERT CONTRERAS,<br/>PETITIONER,<br/>V.<br/>B. CURRY, ACTING WARDEN,<br/>RESPONDENT.</p> | <p>) CASE NO.: H031100 (MONTEREY<br/>) COUNTY SUPER. Ct. NO. HC5350)<br/>)<br/>) MOTION: TO THE CLERK OF THE<br/>) COURT: REGARDING BELATED FILING<br/>) FEE, DUE TO INSTITUTIONAL TRUST<br/>) OFFICE LOST OF PETITIONER'S<br/>) SELF-ADDRESSED ENVELOPE TO THE<br/>) CLERK OF THE COURT FOR FILING;</p> |
|---|--|

TO: THE CLERK OF THE COURT, UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, ON MARCH 8, 2007. I, PETITIONER  
SUBMITTED A PETITION FOR A WRIT OF HABEAS CORPUS TO MY COUNSELOR  
CCI ACEVES ALONG WITH A CDC-193 TRUST ACCOUNT WITHDRAWAL ORDER  
FOR THE PURPOSE OF REMOVING \$5.00 DOLLARS FROM MY TRUST ACCOUNT  
FOR THE FILING FEE FOR THE HABEAS CORPUS, ALSO I SUBMITTED A  
SELF-ADDRESSED STAMPED ENVELOPE AS PER CDC TITLE 15, RULES AND  
IN ACCORDANCE WITH THE RULES OF COURT WHEN FILING DOCUMENTATION  
WITH THE COURT'S. TO THE FOLLOWING ADDRESS:

CLERK OF THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
450 GOLDEN GATE AVENUE BOX 36060  
SAN FRANCISCO, CALIFORNIA. 94102-7004

HOWEVER, I WAS JUST INFORMED BY MY COUNSELOR CCI ACEVES A (120)  
HUNDREN AND TWENTY DAYS LATER. THAT THE TRUST OFFICE HERE AT

1 PETITION BY GILBERT CONTRERAS FOR WRIT OF HABEAS CORPUS

2 Name (Last) CONTRERAS (First) GILBERT (Middle)

3 Prisoner Number B-59058

4 Institutional Address P.O. BOX 689 DW 743 IPWER

5 SOLEDAD, CA. 94060-0689

6 UNITED STATES DISTRICT COURT  
7 NORTHERN DISTRICT OF CALIFORNIA

8 GILBERT CONTRERAS

9 (State the full name of your present or former attorney)

10 VS.

11 B. CURRY, WARDEN (ACTING)

12 \_\_\_\_\_

13 \_\_\_\_\_

14 \_\_\_\_\_

15 (Attach the full name of your attorney or partner in this action)

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07 3774

Case No. \_\_\_\_\_  
(as provided by the clerk of court)

LETTER FROM NORTHERN DISTRICT  
ON PRISONER'S COMPLAINT

Read California Constitution Article I, Section 15

### When and Where to File

You should file in the Northern District if you were arrested and detained in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Plumas, San Benito, Santa Clara, Santa Cruz, San Francisco, San Joaquin and Sonoma. You should file in this district if you are challenging the manner in which you serve your sentence, or if you are in good time credit, and you are confined in one of those counties. Federal L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the U.S. District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the correctness of your sentence and you are in prison in one of the above-named counties, your petition will likely be transferred to the district court for the district that includes the location where you are confined. Federal L.R. 2254-3(a).

NOTE FOR WRIT OF HAB. CORPUS

- 1 -



LC 07 3774

(PR)  
SBA

## **U.S. District Court Northern California**

### **ECF Registration Information Handout**

The case you are participating in has been designated for this court's Electronic Case Filing (ECF) Program, pursuant to Civil Local Rule 5-4 and General Order 45. This means that you **must** (check off the boxes ☒ when done):

- ☐ **1) Serve** this ECF Registration Information Handout on **all** parties in the case along with the complaint, or for removals, the removal notice. **DO NOT** serve the efiler application form, just this handout.

Each attorney representing a party must also:

- ☐ **2) Register** to become an efiler by filling out the efiler application form. Follow ALL the instructions on the form carefully. If you are already registered in this district, do not register again, your registration is valid for life on all ECF cases in this district.
- ☐ **3) Email** (do not efile) the complaint and, for removals, the removal notice and all attachments, in PDF format within ten business days, following the instructions below. You do not need to wait for your registration to be completed to email the court.
- ☐ **4) Access** dockets and documents using **PACER** (Public Access to Court Electronic Records). If your firm already has a PACER account, please use that - it is not necessary to have an individual account. PACER registration is free. If you need to establish or check on an account, visit: <http://pacer.psc.uscourts.gov> or call **(800) 676-6856**.

BY SIGNING AND SUBMITTING TO THE COURT A REQUEST FOR AN ECF USER ID AND PASSWORD, YOU CONSENT TO ENTRY OF YOUR E-MAIL ADDRESS INTO THE COURT'S ELECTRONIC SERVICE REGISTRY FOR ELECTRONIC SERVICE ON YOU OF ALL E-FILED PAPERS, PURSUANT TO RULES 77 and 5(b)(2)(D) (eff. 12.1.01) OF THE FEDERAL RULES OF CIVIL PROCEDURE.

**All subsequent papers submitted by attorneys in this case shall be filed electronically. Unrepresented litigants must file and serve in paper form, unless prior leave to file electronically is obtained from the assigned judge.**

ECF registration forms, interactive tutorials and complete instructions for efilng may be found on the ECF website: <http://ecf.cand.uscourts.gov>

**PROOF OF SERVICE BY MAIL  
BY PERSON IN STATE CUSTODY**

(C.C.P. §§ 1013(A), 2015, 5)

**GILBERT CONTRERAS**

I, \_\_\_\_\_, declare:

I am over 18 years of age and I am party to this action. I am a resident of CORRECTIONAL TRAINING FACILITY prison, in the County of Monterrey, State of California. My prison address is:

**GILBERT CONTRERAS**, CDCR #: **E-59058**  
CORRECTIONAL TRAINING FACILITY  
P.O. BOX 689, CELL #: **DW-243 UPPER**  
SOLEDAD, CA 93960-0689.

On **AUGUST 7, 2007.**, I served the attached:

**"MOTION FOR CLARIFICATION"**

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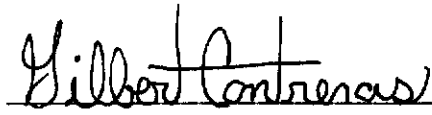
on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope (verified by prison staff), with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named institution in which I am presently confined. The envelope was addressed as follows:

OFFICE OF THE CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
450 GOLDEN GATE AVENUE  
SAN FRANCISCO, CALIFORNIA. 94102

OFFICE OF THE CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
1301 CLAY ST., SUITE 400S  
OAKLAND, CA. 94612-5212

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **AUGUST 7, 2007.**

  
**GILBERT CONTRERAS**  
Declarant /IN PRO SE